IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

LA.App..No. 813 of 2001()

LAR.6/1997 of SUB COURT, PATHANAMTHITTA
.....

APPELLANT:

STATE OF KERALA

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS:

ADARSH P.JOHN,
PAVVATHU VEEDU,
VETTIPRAM,
PATHANAMTHITTA

BY ADV. SRI.MVS.NAMBOOTHIRY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.813 of 2001

Dated this the 11th day of September, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.6/1997 on the file of the Sub Court, Pathanamthitta. The section 4 (1) notification is dated 27-6-1996. The Land Acquisition Officer relied on Ext.R1 basic document dated 26-5-1995. On the basis of the evidence available on record the reference court found that the property covered by the basic document was agricultural land whereas the property under acquisition was dry land. It was also found that Ext.A1 document relied on by the claimant was executed on 8-2-1984, 12 years prior to the section 4(1) notification and in that document the valuation was Rs.8,000/- per cent. It was also found that the property covered by Ext.A1 is comparable to the property under acquisition. In the absence of any evidence to the contra, the court below rightly relied on the evidence of the claimant and fixed the land value at the rate of Rs.8,000/- per cent. Thus there is no merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No. 813 of 2001

JUDGMENT

11th September, 2007